



TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: March 09, 2023
Time: 9:30 AM

1. CALL TO ORDER

Chairperson Goldenberg called the meeting to order at 9:30 A.M.

2. ROLL CALL

Member Jason Chudnofsky
Member Roger Brown
Member Brian DeMoss
Chairperson Eric Goldenberg
Town Attorney Leonard Rubin
Town Clerk Lanelda Gaskins

ADDITIONAL STAFF PRESENT

Town Planner Ingrid Allen

ABSENT

Vice Chairperson Mendelson
Member David Powell
Member Harry Adwar

3. PLEDGE OF ALLEGIANCE

The Board Members led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

Chairperson Goldenberg moved Item 9.C., Development Application No. 22-0010 to Item 9.B. and Item 9.B. to Item 9.C. under New Business.

MOTION: Chudnofsky/DeMoss - Moved to approve the agenda as presented, which passed unanimously 4 to 0.

5. SWEARING IN OF THE PUBLIC

Town Clerk Lanelda Gaskins swore in those giving testimony.

6. PUBLIC COMMENT

There were no public comments.

7. APPROVAL OF MINUTES

A. February 09, 2023

MOTION: Chudnofsky/DeMoss - Moved to approve the minutes as presented, which passed unanimously 4 to 0.

8. UNFINISHED BUSINESS

A. None.

9. NEW BUSINESS

A. Nomination of Chairperson and Vice Chairperson for a one-year term.

Chairperson Goldenberg read the title of Item 9.A. into the record. He called for nomination of Chairperson and Vice Chairperson to serve for a one-year term.

MOTION: DeMoss/Chudnofsky - Moved to nominate Member Eric Goldenberg as the Chairperson for a one-year term.

MOTION: Goldenberg/DeMoss – Moved to nominate Member Ilene Mendelson as the Vice Chairperson for a one-year term.

The motions passed unanimously 4 to 0.

B. Development Application No. 22-0010 / Leonard Zelin (formally Item 9.C.)

Application By Akbar Mondal Nunez, Boat Lifts & Docks of South Florida, for a special exception approval to install a 13,000-pound capacity boat lift for the property located at 4216 Intracoastal Drive.

Chairperson Goldenberg read the title of Item 9.B. and asked the Board members if they had any ex parte communications to disclose. The members had no ex parte.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present her recommendations regarding the application.

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the property with the existing dock, survey,

and dock details. She advised that the applicant received authorization from the Florida Department of Environmental Protection (FDEP) and the US Army Corps of Engineers (ACOE) for the proposed dock. Staff is recommending approval to install a 13,000-pound capacity boat lift for a property located at 4216 Intracoastal Drive. The applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, the commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

The Town provided two interpreters to meet the ADA Compliance. Mary Louise Johnson and Laurel Casey with Nationwide Interpreter Resource, Inc. were present and provided the services.

Akbar Mondal, contractor for the applicant commented on Development Application No. 22-0010.

Chairperson Goldenberg closed the public hearing followed by a motion.

MOTION: DeMoss/Chudnofsky - Moved to approve Development Order No. 22-0010 as presented, which passed 4 to 0.

C. Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards. (formally Item 9.B.)

Chairperson Goldenberg read the title of the item.

Town Planner Allen presented this the proposed amendment to the Town Code of Ordinance to incorporate sea turtle protection lighting standards. The proposed ordinance is amending Section 4-8 "Lighting Restrictions for Protection of Sea Turtles" and Section 30-85 "Coastal Lighting" of the Town Code of Ordinances to incorporate lighting regulations for new and existing coastal structures in order to minimize the effect of artificial light on sea turtle populations; providing for the repeal of all ordinances in conflict; providing for severability and codification; and providing an effective date. She reviewed the existing town code sections that address turtle lighting (Section 4-8 and Section 30-85). She explained that the proposed ordinance is based on the State of Florida Lighting Ordinance. She reviewed data for sea turtle nesting. Ms. Allen provided a PowerPoint presentation depicting a diagram of Frontal and Back dune Zones. She spoke about what happens when people use white lights vs amber lighting (long wavelength lighting). Town Planner Allen showed examples of shielded, full cutoff, and unshielded lights. She reviewed the comments that were given by Florida Fish and Wildlife and Gumbo Limbo in regard to the proposed ordinance.

Joann Ryan, the Turtle Permit Holder, was present. There were discussions about lighting on the beach and the effects of the white lighting spooking sea turtles. Chairperson Chudnofsky asked Ms. Ryan for her recommendations.

Ms. Ryan spoke the about the following: 1) effects of the white lighting on nesting and hatchlings; 2) the Delray Sands and the condominiums along the west side of the beach, east side (beachfront) have white lighting; 3) shadow/amber lighting is best for sea turtles; 4) turtle nesting season starts March 1 through October 31. She mentioned the leatherback nests are being documented until the beginning of June. Mid-April (or earlier) to the end of April the Loggerheads start coming in until around August. The Green Turtles begin nesting through September.

Town Planner Allen suggested that the information provided is based on the state. There was discussion on changing wording in the ordinance in section J, costs associated, which building the proposed ordinance applies to, and enforcement.

Chairperson Goldenberg asked Building Official Remas what could be done to help. Building Official Remas explained that the ordinance is antiquated and inadequate. The town is reactive when receiving complaints from the permit holder because it is only a recommendation right now.

There was discussion about requiring existing structures to comply with the proposed ordinance. Palm Beach County is using a recommended corrective action for existing structures not "shall" comply. The Board agreed that the proposed ordinance should include the word "shall" in it for existing buildings.

MOTION: Goldenberg/Chudnofsky - Moved to approve the Proposed Ordinance as presented. The motion passed unanimously 4 to 0.

D. Discussion of proposed changes ("amendment concepts") to the Accessory Marine Facility and seawall regulations of the Town Code

Town Planner Allen presented this item along with a PowerPoint presentation depicting slides on the proposed amendment concept versus "no action" option, boat lift examples related to heights (feet).

There were extensive conversations about the base flood elevations, boat lift heights, regulations regarding floating docks (Section 38-68), the difference between a floating dock platform and floating dock.

Carl Johanson spoke about this matter. He mentioned that there are 14 single family homeowners who are opposed to changing the 25-foot setback along the intracoastal.

The below items are for further discussion by the Board at their April meeting.

Maximum height of 7 or it is not high enough but should be a limit (more discussion).

Ladder on seawalls and safety ladders.

Ten-foot setback - concerns with regards to the canals.

Possible setback for mooring of boats.

Town Planner Allen explained to the Board Members that the zoning issue was postponed by the Town Commission and will be presented at the April meeting.

10. ANNOUNCEMENTS

Chairperson Goldenberg read the announcements as follows.

March 13, 2023	6:00 P.M.	FDOT Public Meeting
March 14, 2023	7:00 A.M. – 7:00 P.M	Highland Beach General Election
March 15, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
March 21, 2023	1:30 P.M.	Town Commission Special Meeting
April 4, 2023	1:30 P.M.	Town Commission Meeting
April 11, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
April 13, 2023	9:30 A.M.	Planning Board Regular Meeting

11. ADJOURNMENT

The meeting was adjourned at 11:11 a.m.

APPROVED on May 11, 2023, Planning Board Regular Meeting.

Eric Goldenberg, Chairperson

ATTEST:

Transcribed by: Lanelda Gaskins

05/11/2023

Lanelda Gaskins, MMC
Town Clerk

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.